

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.**

Application of

TRANSPAÍS AÉREO, S.A. de C.V.

for an exemption from 49 U.S.C. § 41301
(U.S./Mexico Charter Air Transportation)

Docket DOT-OST-1996-1912

APPLICATION OF
TRANSPAÍS AÉREO, S.A. de C.V.
FOR RENEWAL OF EXEMPTION

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September 3, 2021

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Pursuant to 49 U.S.C. § 40109 and Subpart C of the Department's Rules of Practice, Transpaís Aéreo, S.A. de C.V. hereby applies for renewal of its exemption from 49 U.S.C. § 41301, which grants Transpaís Aéreo the full scope of passenger charter rights available under the Air Transport Agreement between the United States and Mexico signed on December 18, 2015.^{1/} Transpaís Aéreo specifically seeks renewal of its authority to conduct passenger charter operations, using small aircraft, in foreign air transportation between any point or points in Mexico and any point or points in the U.S.; and from a point or points in Mexico, via an intermediate point or points, to any point or points in the U.S., and beyond, as mutually agreed in writing by the U.S. DOT and the former Mexican Dirección General de Aeronáutica Civil ("DGAC"), provided that such service constitutes part of a continuous operation, with or without a change of aircraft, that includes service to Mexico for the purpose of carrying local

^{1/} Air Transport Agreement Between the Government of the United States of America and the Government of the United Mexican States, signed in Washington, DC, December 18, 2015.

traffic between Mexico and the U.S. Transpaís Aéreo also seeks authority to conduct other passenger charter operations to and from the U.S., such as seventh-freedom passenger charter operations, subject to the prior approval requirements set forth in 14 C.F.R. Part 212.

Transpaís Aéreo requests that the Department renew this exemption for a period of at least two years. Transpaís Aéreo invokes the automatic extension provisions of the Administrative Procedure Act, 5 U.S.C. §558(c), as implemented by 14 C.F.R. Part 377, to maintain its exemption authority in effect pending a final Department determination on this renewal application.^{2/}

In support of this application, Transpaís Aéreo states as follows:

1. Transpaís Aéreo continues to be financially fit, and is willing and able to provide charter passenger services using small aircraft. Transpaís Aéreo reports that there have been no changes to its corporate address during the past two years, and except as updated below, Transpaís Aéreo incorporates by reference information previously submitted in this docket.

Transpaís Aéreo now insures its aircraft with Grupo Mexicano de Seguros, S.A. de C.V., Grupo Valore (GMX), and maintains a Certificate of Insurance (OST Form 6411) on file with the FAA that reflects a combined single limit of liability coverage on its aircraft that exceeds the requirements of 14 C.F.R. Part 205.

^{2/} The Department last granted the above authority to Transpaís Aéreo pursuant to a Notice of Action Taken issued in this Docket on September 5, 2019, effective through September 5, 2021.

2. Transpaís Aéreo has sold one of its Embraer Phenom 100 executive jet aircraft (Mexican registration: XA-MSO) listed in Transpaís Aéreo's 2019 exemption application. Transpaís Aéreo currently operates the following five (5) aircraft:

<u>Type</u>	<u>Mexican Registration</u>	<u>Seating Configuration</u>
Embraer Phenom 100	XA-TPA	6 seats
Embraer Phenom 100	XA-JTL	6 seats
Embraer Phenom 300	XA-VGL	9 seats
Embraer Phenom 300	XA-LOB	9 seats
Embraer Legacy 600	XA-LBO	13 seats

3. Transpaís Aéreo's key personnel have the following changes and additions:

a. Captain Ramon Felix Gonzalez now serves as Transpaís Aéreo's Chief Pilot. Cap. Gonzalez is a graduate of the Instituto Técnica de Aviación Civil. He has nineteen years experience and accumulated 8,900 hours of flight operating Cessna 550, Cessna 208, Phenom 300, Phenom 100, and Embraer 145 aircraft. Before joining Transpaís Aéreo, Cap. Gonzalez worked for the Mexican air taxis Hoteles Dinámicos and Servicios Aéreos Across and Mexican regional air carrier Aéreo Calafia.

b. Mr. Juan Carlos Cuautli Perez now serves as Transpaís Aéreo's Engineering and Maintenance Manager. In 1998 Mr. Cuautli graduated as a Digital Systems Technician from the National Polytechnic Institute of Mexico's ("I.P.N.") Center for Scientific and Technological Studies No. 03, and in 2003, he earned his Aeronautical Engineering degree and license from I.P.N.'s School of Mechanical and Electrical Engineering. He has over 15 years of experience in the aviation business. Before joining Transpaís Aéreo as the Engineering and Maintenance Manager, Mr. Cuautli worked for TUM AeroCarga, MCS AeroCarga, and Transportes Aeromar.

None of Transpaís Aéreo's key personnel are related by blood or marriage, and all are citizens and residents of Mexico.

4. Transpaís Aéreo's current ownership structure is as follows:

TRANSPAÍS AÉREO, S.A. de C.V.

SHAREHOLDER	CITIZENSHIP	SHARES	%
Corporación Aeronáutica Lomex, S.A. de C.V.	Mexican	62,213,144	49.00%
Aeronaves Especializadas S.A. de C.V.	Mexican	36,933,1502	9.09%
Inversiones Lomor, S.A. de C.V.	Mexican	6,926,621	5.46%
Corporativo Humbexa, S.A. de C.V.	Mexican	6,926,621	5.46%
Corporación Ejecutiva Perseo, S.A. de C.V.	Mexican	13,964,8301	1.00%
			100.00%

Ownership of Corporación Aeronáutica Lomex, S.A. de C.V.

SHAREHOLDER	CITIZENSHIP	SHARES	%
Corporación Lomex, S.A. de C.V.	Mexican	49,999	100.00%
Lomex Inversiones, S.A. de C.V.	Mexican	1	0.00%

Ownership of Corporación Lomex, S.A. de C.V.

SHAREHOLDER	CITIZENSHIP	SHARES	%
Consorcio Loguer, S.L.U.	Mexican	275,144,638	100.00%
Verónica Guerra Gutiérrez	Mexican	500	0.00%

Ownership of Consorcio Loguer, S.L.U.

SHAREHOLDER	CITIZENSHIP	SHARES	%
Humberto Lobo De la Garza	Mexican	17,589,252	100.00%

Ownership of Aeronaves Especializadas, S.A. de C.V.

SHAREHOLDER	CITIZENSHIP	SHARES	%
Irma Catalina Lobo De la Garza	Mexican	208,389	49.94%
Francisco Lobo De la Garza	Mexican	208,389	49.94%
Lomex Inversiones, S.A. de C.V.	Mexican	500	0.12%

Ownership of Inversiones Lomor, S.A. de C.V.

SHAREHOLDER	CITIZENSHIP	SHARES	%
Francisco Lobo De la Garza	Mexican	5,687,225	100.00%
Maria Irma De la Garza Herrera	Mexican	1	0.00%

Ownership of Corporativo Humbexa, S.A. de C.V.

SHAREHOLDER	CITIZENSHIP	SHARES	%
Irma Catalina Lobo De la Garza	Mexican	5,525,162	100.00%
Maria Irma De la Garza Herrera	Mexican	1	0.00%

All individuals listed above are citizens and residents of Mexico, and all with surnames “Lobo” or “De la Garza” are related by blood or marriage.

5. Transpaís Aéreo’s Mexican authority to engage in transborder charter passenger service remains in full force and effect. See Exhibit A for a copy of Transpaís Aéreo’s current Air Operator Certificate (AOC).

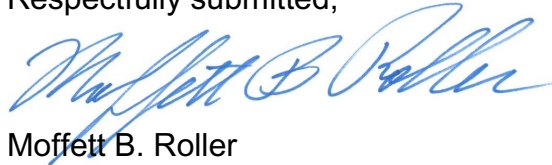
6. Transpaís Aéreo’s renewal application is limited in scope and non-controversial. Transpaís Aéreo’s proposed air transportation services are unchanged from the U.S.-Mexico services that it has performed during the past two years, *i.e.*, air transport services for executives and their guests using small executive jet aircraft.

7. In accordance with the terms of the Air Transport Agreement between the U.S. and Mexico, Transpaís Aéreo’s exemption authority is in the public interest.

Transpaís Aéreo's services satisfy a continuing commercial need and foster business activities and economic opportunities between Mexico and the United States.

WHEREFORE, Transpaís Aéreo, S.A. de C.V., requests renewal of its authority to engage in charter foreign air transportation of passengers between Mexico and the United States using small aircraft, as set forth herein, and such other relief as may be in the public interest.

Respectfully submitted,



Moffett B. Roller
Charles M. Greene
ROLLER & BAUER, PLLC

Attorneys for
Transpaís Aéreo, S.A. de C.V.

September 3, 2021

TRANSPAÍS AÉREO, S.A. DE C.V.
APPLICATION FOR RENEWAL OF EXEMPTION

EXHIBIT A

CERTIFICADO DE EXPLOTADOR DE SERVICIOS AEREOS (AOC)

SCT

SECRETARÍA DE
COMUNICACIONES
Y TRANSPORTES

Estados Unidos Mexicanos.
Secretaría de Comunicaciones y Transportes.
Subsecretaría de Transporte.
Agencia Federal de Aviación Civil.

**CERTIFICADO DE EXPLOTADOR
DE SERVICIOS AÉREOS**

NOTARIA PÚBLICA No. 35 (Modificación 02)
TITULAR
LIC. RICARDO EFRAIN (AIR OPERATOR CERTIFICATE)
MONTERREY, NUEVO LEÓN, MÉXICO
PRIMER DISTRITO

TRANSPAIS AÉREO, S.A. DE C.V.

AOC No. TPM/2010

AV. RICARDO MARGAIN No. 575
EDIFICIO D 6TO. PISO, COL. SANTA ENGRACIA
SAN PEDRO GARZA GARCÍA N.L., C.P. 66267

Responsable general de la operación: Ing. Raul Mauricio Saenz Campos
(Operation general manager)

Teléfono (telephone): 0181-83197931

Fax: NO APLICA

Correo electrónico (e-mail): rsaenz@grupolomex.com

Datos de contacto operacionales (Operational contact data):

La información de contacto donde se puede ubicar a las autoridades de gestión operacional sin demoras indebidas se proporciona en:
(Contact information where you can locate the operational management without undue delay provided in)

- Sección A6 de las Especificaciones de Operación anexas al presente certificado (Operations Specifications Section A6 attached to this certificate).

El presente documento certifica que Transpais Aéreo, S.A. de C. V. ha cumplido con los requerimientos establecidos en la Ley de Aviación Civil, su Reglamento y Normas Oficiales Mexicanas correspondientes vigentes de los Estados Unidos Mexicanos y demás disposiciones aplicables, en razón de lo cual se le expide el presente certificado que le autoriza a realizar operaciones de transporte aéreo comercial de conformidad con dicha Ley, Reglamento, Normas Oficiales Mexicanas y demás disposiciones aplicables, así como con los términos, condiciones y limitaciones previstos en las especificaciones de operación anexas al presente.

El presente certificado es intransferible y, salvo renuncia de su titular, a menos que sea suspendido, revocado o cancelado, permanecerá vigente durante la fecha de vigencia indicada, y en caso de que las condiciones y requisitos que sirvieron de base para su otorgamiento no se mantengan actualizados, carecerá de validez.

The present document certifies that Transpais Aéreo, S.A. de C.V. has met the requirements of the Civil Aviation Law of Estados Unidos Mexicanos and related operating regulations and rules prescribed there, for the issuance of this certificate and is hereby authorized to conduct commercial air transportation operations in accordance with such operating regulations and rules prescribed there and the term, conditions and limitations contained in the attached Operation Specifications.

This certificate is not transferable and, unless sooner surrendered, suspended or revoked, shall continue in effect until the indicated date.

DIRECTOR GENERAL ADJUNTO DE AVIACIÓN

ING. PABLO CARRANZA PLATA

Fecha de emisión (Issue date): 13 de enero de 2020 (January 13, 2020).

Fecha de efectividad (effective date): 28 de enero de 2020 (January 28, 2020).

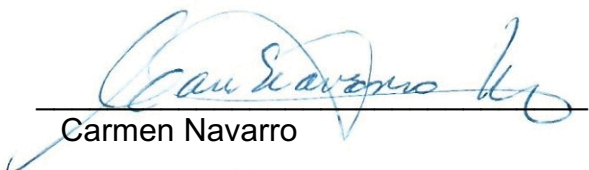
Fecha de vigencia (valid until): 28 de enero de 2022 (January 28, 2022).

Cualquier modificación en las limitaciones o en los datos del titular del certificado, deberá ser solicitado a la Agencia Federal de Aviación Civil.

Cualquier alteración a este certificado sin consentimiento por escrito de la Agencia Federal de Aviación Civil, será sancionada conforme a lo establecido en la Ley de Aviación Civil.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing application of Transpaís Aéreo, S.A. de C.V., was served upon all parties named on the following Service List via e-mail this 3rd day of September 2021. No indication was received that any transmission by electronic mail had failed.



Carmen Navarro

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